

CONTESTED ELECTION.

TERMINUS OF UTAH.

Geo. R. Maxwell vs. Geo. Q. Cannon.

Argument of Halbert E. Payne, Counsel for Sitting Member.

(Before the Committee on Elections of the House of Representatives of the United States, Washington, D. C., 1894.)

(CONTINUED.)

The contestant charges that Mr. Cannon is for another reason disqualified for the office which he holds. He asserts that on the 15th day of May, 1888, he took an oath of disloyalty to the United States, known as the endorsement oath of the Mormon church. Unless the contestant is, for some reason, above and independent of all the laws and rules and principles applicable to ordinary men claiming seats in the House, he can make no disqualification out of this charge, even granting it to be true in its widest scope. Suppose Mr. Cannon did take an oath of hostility to the Government of the United States in 1888. Would that disqualify him for a seat in Congress? Why, gentlemen, there are in the House to-day many men who took an oath of hostility to the Government of the United States as late as 1891; and not only took such oath but also took up arms, and fought against our government for years with a valor worthy of a better cause than that of a gentleman, who, although conspicuous in the councils of the enemy during the late war, is now permitted to sit in the House of Representatives, and retain the seat which he so greatly honors, but also to take part, as a member of this committee, in the adjudication of the conflicting claims of other men to the same seat. And no man questions, no man can question, the constitutionality, or legality, or justice, or propriety of this. Will it be said that the contestant asks him to cooperate in the manufacture of this new-fangled qualification for a seat in Congress? Will he say that there has been a relief from disabilities in the one case and not in the other? But Mr. Cannon was never under political disabilities. This endorsement oath, if it was a thousandfold more bloody than the oaths of the Government, would not be in conflict with the provisions of the oath of office act formerly in force, but now repealed. And, besides, if Mr. Cannon was under the disability of that oath, his disability has by the general amnesty act been removed. But there is no truth in the assertion that this endorsement oath is an oath of hostility to the United States. There is no truth in the assertion that in this respect the oath of the present differs from that of the past. There is not a shadow of justification or a scintilla of proof for the slanderous assertion that Mr. Cannon has ever in word, or deed, or oath, or heart been disloyal to the Government of the United States. Was it treason or disloyalty for the Republicans to declare through the press or the platform their opinions of President Buchanan and his associates in power? Is a narrower measure of liberty to be given to the Mormons than to the rest of the people? When you come to sift and scrutinize the testimony, you will be amazed at the audacity which could claim that the endorsement oath is less hostile to the Government of the United States than the oath of the President of the United States. And the testimony of Mr. Cannon, on page 66, Miller, on page 65, Jennings, on page 68, Hardy, on page 70, Taylor, on page 77, Stout, on page 83, Kettle, on page 84, Deuel, on page 85, Raleigh, on page 87, and Hunter, on page 89, shows how necessary to this charge that the so-called endorsement oath is an obligation of disloyalty or hostility to the Government of the United States.

The counsel refers to the columns of the *Deseret News* as proof that Mr. Cannon, the editor of that journal, was at heart unfriendly to the government of the United States. But this charge is, like the rest, the calumny of his own brain. The papers from which the charges are made, and which were published in 1880 and 1881, Mr. Cannon did not become the editor of the *Deseret News* until 1888. He is no more responsible for the charges read than is the counsel himself. The counsel for the contestant has ventured upon his own responsibility, in your presence, to charge the sitting member with complicity in actual murder. For the proof of this, you have the unsworn testimony of the counsel himself, and you have nothing else. Can you request me to assure you that this accusation is, from top to bottom, from center to circumference, without qualification, without reservation or palliation, slanderous and false?

(TO BE CONTINUED.)



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